

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTSFILED
IN CLERKS OFFICE

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UNITED STATES OF AMERICA,)	U.S. DISTRICT COURT
Plaintiff,)	DISTRICT OF MASS.
v.)	Docket No.: 05-01076-JGD
FRANCOISE NGELE BUNDU,)	
Defendant.)	

DEFENDANT'S (ASSENTED TO) MOTION
TO MODIFY THE CONDITIONS OF PRETRIAL RELEASE

Now comes the Defendant, Francoise Bundu, and hereby requests that this Court modify the conditions of her pretrial release so as to permit her to leave her residence daily from 6:00 AM until 8:00 PM. This request, which is assented to by both the United States Attorney's Office and the Pretrial Services Department, is based on the increased responsibilities of the defendant owing to her increased custody of her two minor children, as recently ordered by the Middlesex Probate Court. In support of this motion the Defendant respectfully submits the following.

- 1) The Defendant stands charged via a criminal complaint of one count of international parental kidnapping, in violation of 18 U.S.C. §1204.
- 2) After conducting a detention and probable cause hearing on April 25, 26, and 27, 2005, this Court issued an Order Setting Conditions of Release on May 3, 2005. Among the conditions of release, *inter alia*, the Defendant was placed under home incarceration including electronic monitoring, with permission granted to leave the residence for, *inter alia*, medical emergencies and court appearances.

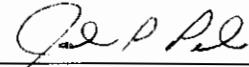
JUDITH GAIL DENN, USM

10/6/05 Allowed

- 3) The Middlesex Probate Court has issued several orders regarding custody of Francoise Bundu's two minor children, one of which previously necessitated an assented-to motion to amend the conditions of release, which was allowed by this Court on July 13, 2005 (Paper No. 6).
- 4) Recently, on September 29, 2005, the Middlesex Probate Court entered a Temporary Order that Francoise Bundu have parenting time with her two minor children each week from Friday morning at 9:00 AM until Saturday at 5:00 PM and again each Tuesday at 9:00 AM until Wednesday at 5:00 PM. A copy of the Temporary Order is attached.
- 5) The instant modification is requested to allow the Defendant, Francoise Bundu, on an ongoing basis, to stock her residence with sufficient items to provide for the needs of the children for this increased period of time, as well as to be able to respond to any emergent or short-notice need to leave the premises to obtain any necessary goods or services for the children.
- 6) Additionally, the Defendant seeks to obtain employment outside the home, and the requested modification would also permit her to both seek and obtain such employment.
- 7) The Government, through Assistant U.S. Attorney Donald Cabell, assents to the requested modification.
- 8) The Defendant's supervising pretrial services officer, Chris Wylie, also is in agreement with the requested modification.

WHEREFORE, the Defendant respectfully requests that this Honorable Court modify the conditions of her pretrial release so as to permit Ms. Bundu to leave her residence daily from 6:00 AM until 8:00 PM.

Respectfully submitted,
Francoise Bundu,
Defendant,
By her attorney,



John P. Puleo, BBO #555849
HASSAN & REARDON, P.C.
800 Boylston Street
The Prudential Center
Boston, MA 02199
(617) 859-3600

CERTIFICATE OF SERVICE

I, John P. Puleo, hereby certify that on the 5 day of October, 2005, I served a true copy of the above documents upon the Plaintiff, via facsimile and first class mail, postage pre-paid, to:

Donald L. Cabell
United States Attorney's Office
1 Courthouse Way
Boston, MA 02210



John P. Puleo

**COMMONWEALTH OF MASSACHUSETTS
The Trial Court
Probate and Family Court Department**

Middlesex, ss

Docket No. 00D1927DV1

Francoise Bundu, Plaintiff

vs.

Benoit Bundu, Defendant

TEMPORARY ORDER

Pending a hearing on the merits or until further order of the court, it is
ORDERED that:

Francoise Bundu may have parenting time with her 21 month old twins, Maya and Betoya, born October 30, 2003, each week from Friday morning at 9:00 a.m. to Saturday at 5:00 p.m. and each week from Tuesday at 9:00 a.m. to Wednesday at 5:00 p.m.

Pick up and drop off will be at Mother's residence in Woburn, Massachusetts.

Date: September 29, 2005

Judith Nelson Dilday

Judith Nelson Dilday, Justice
Middlesex Probate and Family Court